

**REMARKS**

Claim 1 has been amended to recite that the polyether ester is copolymerized with one or more of the a metal organic sulfonates listed in the claim. Support for this amendment is found at, for example, page 10, lines 9-24 of the originally filed specification.

Claim 4 is canceled.

Claims 21-23 are added. Claims 21-23 find support from originally filed claims 11-13, respectively.

Upon entry of the above Amendment, which is respectfully requested, claims 1, 3, 5, 8-10, and 21-23 will be pending.

**Rejection Under 35 U.S.C. § 103**

On page 2 of the Office Action, claims 1, 3-5 and 8-10 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over “Yamamura” (EP 0 821 086) in view of “Toray” (JP 62-243873).

Regarding claim 1, the Examiner cites Yamamura as teaching all of the limitations of claim 1, except the Examiner acknowledges that Yamamura does not teach the polyether ester elastomer copolymerized with a metal organic sulfonate. The Examiner cites Toray as teaching deodorizing polyester fibers comprising a polyester copolymerized with a metal sulphonate, wherein the preferred polyesters include polybutylene terephthalate. The Examiner concludes that it would have been obvious to the skilled artisan to modify the teachings of Yamamura by

copolymerizing the metal sulfonate (of Toray) to produce an elastic fiber having a good deodorizing effect.

### **Applicants' Response**

Applicants respectfully submit that present claim 1 and claims dependent thereon are non-obvious over the cited references, because no combination of the cited references teaches all of the limitations of present claim 1.

For example, present claim 1 recites:

“the polyether ester elastomer is copolymerized with at least one metal organic sulfonate selected from the group consisting of sodium 3,5-di( $\beta$ -hydroxyethoxycarbonyl) benzenesulfonate, potassium 3,5-di( $\beta$ -hydroxyethoxycarbonyl) benzenesulfonate, and lithium 3,5-di( $\beta$ -hydroxyethoxycarbonyl) benzenesulfonate.”

In contrast, none of the cited references appear to teach such a requirement. Therefore, Applicants respectfully submit that claim 1 and claims dependent thereon are non-obvious over the cited references. Reconsideration and withdrawal of the cited references are respectfully requested.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)  
U.S. Application No.: 10/561,155

Attorney Docket No.: Q91918

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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**23373**

CUSTOMER NUMBER

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